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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/593,732

09/21/2006

Maurizio Moretto

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RATNERPRESTIA  
P.O. BOX 980  
VALLEY FORGE, PA 19482

EXAMINER

GONZALEZ, MADELINE

ART UNIT

PAPER NUMBER

1797

MAIL DATE

DELIVERY MODE

11/27/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/593,732	<b>Applicant(s)</b> MORETTO, MAURIZIO	
	<b>Examiner</b> MADELINE GONZALEZ	<b>Art Unit</b> 1797	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/21/06</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5, 6, 21 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Tanner et al. (U.S. 6,423,224) [hereinafter Tanner].

With respect to **claim 1**, Tanner discloses a water treatment device, as shown in Fig. 1, having:

- a vessel 36 for containing water requiring filtration and a vessel 102 for the collection of filtered water;
- the vessels 36, 102, being connected through the a cartridge 10, as well as means 20 for counting the filtering cycles performed by the cartridge 10 to determine the exhaustion state of the cartridge 10 (see col. 3, lines 47-49);
- the counting means 20 include at least one float level detector 25 associated with one of the vessels 36, 102, and capable of generating at least one counting signal fed to the counting means 20 as a consequence of the corresponding water level being reached within the associated vessel 36 (see col. 3, lines 49-59).

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With respect to **claim 5**, Tanner discloses wherein the float 25 is housed in a compensation chamber 21 communicating with the associated vessel 36 through a gauged opening 41, 42, 43, as shown in Fig. 2.

With respect to **claim 6**, Tanner discloses wherein the float 25 is guided within the compensation chamber 21, as shown in Fig. 2.

With respect to **claim 21**, Tanner discloses wherein the counting signals are summed by a calculating unit which generates a display indicating the state of exhaustion of the cartridge (see col. 3, lines 47-49).

With respect to **claim 22**, Tanner discloses wherein the calculating unit is disposed in a lid of the filtering jug, as shown in Fig. 1.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-4, 8-11 and 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanner (U.S. 6,423,224) in view of Girondi (U.S. 2003/0089648).

With respect to **claim 2**, Tanner **lacks** the level detector having at least one proximity sensor which senses the position of the float.

With respect to **claims 8 and 15-19**, Tanner **lacks** the level detector including a plurality of sensors located at rising levels within the associated vessel.

Girondi teaches a unit, as shown in Fig. 1, having a filter 1 and including a differential level reading and monitoring system, as shown in Fig. 2, including magnetized floats 24, 25, and magnetic proximity sensors 220, 230. When water 10 present in the filter collection chamber 5 exceeds a predetermined level, the sensors will sense the presence of the floats and emit a signal causing a lamp 17 to light to warn the user that the unit is operating abnormally (see paragraph 0045-0054). It would have been obvious to provide the device disclosed by Tanner with magnetized floats and proximity sensors as taught by Girondi in order to provide an indication to the user that the filter is not operating properly (see paragraph 0045-0054) and since Tanner already suggests that a variety of visual indicating mechanisms could be employed (see col. 3, lines 60-67).

With respect to **claim 3**, Girondi discloses wherein the at least one proximity sensor 220, 230, includes a switch (see paragraph 0032).

With respect to **claim 4**, Girondi discloses wherein the switch is of the reed, hall and/or magneto-resistant type and the float 24, 25, has a magnetic stop which is able to co-operate together with the switch (see paragraph 0032).

With respect to **claims 9-11**, Tanner discloses wherein the float 25 is housed in a compensation chamber 21 communicating with the associated vessel 36 through a gauged opening 41, 42, 43, as shown in Fig. 2.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tanner (U.S. 6,423,224) in view of Daniels (U.S. 5,645,732).

With respect to **claim 7**, Tanner **lacks** the float mounted at one end of a hinged arm whose opposite extremity is hinged on the associated vessel.

Daniels teaches a filtering arrangement, as shown in Fig. 1, having level detectors 37, 39, including a float mounted at one end of a hinged arm 37B, 39B, whose opposite extremity is hinged on a box, 37A, 39A. It would have been obvious to provide the float disclosed by Tanner as a float having a hinged arm as taught by Daniels, since such floats are commonly used as level detectors and since Tanner already suggests that a variety of visual indicating mechanisms could be employed (see col. 3, lines 60-67).

Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanner (U.S. 6,423,224) in view of Girondi (U.S. 2003/0089648) as applied to claims 2-4 above, and further in view of Daniels (U.S. 5,645,732).

With respect to **claims 12-14**, Tanner and Girondi **lack** the float mounted at one end of a hinged arm whose opposite extremity is hinged on the associated vessel.

Daniels teaches a filtering arrangement, as shown in Fig. 1, having level detectors 37, 39, including a float mounted at one end of a hinged arm 37B, 39B, whose opposite extremity is hinged on a box, 37A, 39A. It would have been obvious to provide the float disclosed by Tanner and Girondi as a float having a hinged arm as taught by Daniels, since such floats are commonly used as level detectors and since Tanner already suggests that a variety of visual indicating mechanisms could be employed (see col. 3, lines 60-67).

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tanner (U.S. 6,423,224) in view of Daniels (U.S. 5,645,732) as applied to claim 7 above, and further in view of Girondi (U.S. 2003/0089648).

With respect to **claim 20**, Tanner and Daniels **lack** the level detector including a plurality of sensors located at rising levels within the associated vessel.

Girondi teaches a level detector including a plurality of sensors 220, 230, located at rising levels within the associated vessel and it would have been obvious to provide the device disclosed by Tanner with magnetized floats and proximity sensors as taught by Girondi in order to provide an indication to the user that the filter is not operating properly (see paragraph 0045-0054) and since Tanner already suggests that a variety of visual indicating mechanisms could be employed (see col. 3, lines 60-67).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MADELINE GONZALEZ whose telephone number is (571)272-5502. The examiner can normally be reached on M, T, Th, F- 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on 571-272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Krishnan S Menon/  
Primary Examiner, Art Unit 1797

Madeline Gonzalez  
Patent Examiner  
November 20, 2009